THE HON'BLE SRI JUSTICE RAMESH RANGANANTHAN

WRIT PETITION No.7479 OF 1995

DATE: 24.2.2006

Between:

The East Godavari District Primary

Agricultural Cooperative Societies

Employees Union, rep. by its

General Secretary P.V.Suryanarayana Murthy

Gudala PACS, Allavaram Mandal,

East Godavari District ….. Petitioner

And

1. The Commissioner for Co-operation

and Registrar of Cooperative Societies,

Hyderabad and six others ….. Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANANTHAN

WRIT PETITION No.7479 OF 1995

ORDER:

Challenging the validity of Circular Memo dated 15.2.1995, as issued by the 1st respondent, the present writ petition is filed.

The petitioner herein is a trade union registered under the Indian Trade Unions Act, 1926. Under the said circular dated 15.2.1995, enhanced wages paid to employees of Primary Agricultural Cooperative Societies, were sought to be taken away.

The petitioner union would submit that since the concerned employees were not put on notice, the recoveries sought to be effected by the Circular dated 15.2.1995 and the consequential proceedings issued by the Special Officer, (one such proceedings filed by way of illustration is dated 11.3.1995), would clearly show that the action of the respondents was in violation of the principles of natural justice.

The question as to whether principles of natural justice has been violated is purely an individual grievance. It is always open to an individual concerned, if he so chooses, to waive his rights to be given a notice. Even if an individual is aggrieved by the action of the respondents in taking action against him, without putting him on notice, it is for the individual concerned to challenge it in appropriate proceedings. Except for stating that the petitioner is a registered trade union and is espousing the cause of its members, no list of members, who are aggrieved by the said circular dated 15.2.1995, is filed as part of the material papers. It is also not clear as to whether those individuals who have been affected by the alleged recoveries, pursuant to the circular dated 15.2.1995, have authorized the petitioner union to espouse their individual cause. In the absence of these details being furnished, it is difficult to accept the submission of Sri D.Krishna Murthy, learned counsel for the petitioner, that blanket orders should be passed, at the behest of the trade union, setting aside the said circular on the ground that the individuals affected thereby

have not been put on notice.

The writ petition, as filed by the trade union, fails and is accordingly dismissed. Needless to state that this order shall not preclude the individuals concerned, if they choose, to question the action of the respondent in accordance with law. No costs.

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24-2-2006

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